

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHNNY B. DELASHAW, JR.,

Plaintiff,

v.

SEATTLE TIMES COMPANY, and
CHARLES COBBS,

Defendants.

Case No. 18-cv-00537-JLR

STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO SEAL
PLAINTIFF'S AMENDED
COMPLAINT

NOTE ON MOTION CALENDAR:
JULY 9, 2018

I. INTRODUCTION

Plaintiff Johnny B. Delashaw, Jr. (Dr. Delashaw), Defendant Charles Cobbs (Dr. Cobbs), and Defendant Seattle Times Company (Seattle Times) jointly request the Court seal Dr. Delashaw's Amended Complaint (Dkt. #20).

II. BACKGROUND

Dr. Delashaw filed his Amended Complaint on June 25, 2018. Dr. Cobbs notified Dr. Delashaw on July 2 that two sentences in the Amended Complaint reference and quote a document that had been inadvertently produced to Dr. Delashaw in a state regulatory proceeding, which Dr. Cobbs had timely clawed back on the basis of a work-product claim. The parties agree that this document was inadvertently produced, information from this document was inadvertently included

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SEAL PLAINTIFF'S AMENDED COMPLAINT - 1
(Case No. 18-cv-00537-JLR)

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1 in Dr. Delashaw's Amended Complaint, and that Dr. Cobbs did not waive his work-product claim
2 regarding this document by inadvertently producing it. In response to Dr. Cobb's July 2
3 notification, Dr. Delashaw filed a praecipe on July 6 and attached a corrected Amended Complaint
4 to take the place of the original Amended Complaint (Dkt. #25).

5 III. ARGUMENT

6 "[D]istrict courts have the inherent authority to manage their dockets and courtrooms with
7 a view toward the efficient and expedient resolution of cases." *Dietz v. Bouldin*, 136 S. Ct. 1885,
8 1892 (2016). FRCP 5.2(d) and LCR 5(g) govern the sealing of filings containing confidential or
9 sensitive information. LCR 5(g)(3) requires a motion to seal a document to include:

10 (A) a certification that the party has met and conferred with all other
11 parties in an attempt to reach agreement on the need to file the
12 document under seal, to minimize the amount of material filed under
13 seal, and to explore redaction and other alternatives to filing under
14 seal; this certification must list the date, manner, and participants of
15 the conference;

16 (B) a specific statement of the applicable legal standard and the
17 reasons for keeping a document under seal, including an explanation
18 of:

- 19 i. the legitimate private or public interests that warrant the
20 relief sought;
- 21 ii. the injury that will result if the relief sought is not granted;
22 and
- 23 iii. why a less restrictive alternative to the relief sought is not
24 sufficient

25 The parties certify that Tyler L. Farmer (counsel for Dr. Delashaw), Malaika M. Eaton and
John Q. Somerville (counsel for Dr. Cobbs), and Jessica L. Goldman (counsel for the Seattle
Times) met and conferred telephonically regarding this issue on July 3 and subsequently agreed the
original Amended Complaint should be sealed to preserve the confidentiality of information
subject to Dr. Cobb's work-product claim, that no other material needs to be filed under seal at this
time, and that redaction and other alternative methods were unsuitable in the context of a pleading
that had already been filed.

1 Dr. Delashaw's original Amended Complaint should be sealed because (i) doing so will
2 protect Dr. Cobb's interest in preserving the confidentiality of information subject to his work-
3 product claim; (ii) leaving the original Amended Complaint unsealed will undermine that interest;
4 and (iii) alternative means of protecting that interest, such as redaction, cannot be readily applied
5 to a document that has already been filed.

6 Accordingly, Dr. Delashaw, Dr. Cobbs, and the Seattle Times jointly request the Court seal
7 Dr. Delashaw's original Amended Complaint (Dkt. #20) to preserve the confidentiality of
8 information subject to Dr. Cobb's work-product claim. While the parties believe the Court has
9 authority to seal documents that have already been filed, if the Court concludes otherwise, the
10 parties ask the Court to strike Dr. Delashaw's original Amended Complaint from the docket.
11 Whether Dr. Delashaw's original Amended Complaint is sealed or struck, the parties ask the Court
12 to find that Dr. Delashaw's corrected Amended Complaint (Dkt. #25) is the operative complaint at
13 this time. The Parties agree that no prejudice will be incurred by either side if this joint request is
14 granted.

15 IV. CONCLUSION

16 For the foregoing reasons, Dr. Delashaw, Dr. Cobbs, and the Seattle Times respectfully
17 request that this Court seal Dr. Delashaw's original Amended Complaint (Dkt. # 20) and find that
18 Dr. Delashaw's corrected Amended Complaint (Dkt. #25) is the operative complaint.
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1 DATED this 9th day of July, 2018.

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~~PROPOSED~~ ORDER

Based on the foregoing Stipulated Motion, the Court orders the clerk to seal Dr.
Delashaw's original Amended Complaint (Dkt. #20). Dr. Delashaw's corrected Amended
Complaint (Dkt. #25) is Plaintiff's operative complaint.

IT IS SO ORDERED

DATED this 9th day of July, 2018.


THE HONORABLE JAMES L. ROBERT
UNITED STATES DISTRICT COURT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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